

REMARKS

Reconsideration of this application is respectfully requested. Applicant has addressed every ground for rejection in the Office Action dated June 16, 2004, and believes the application is now in condition for allowance. Applicant's attorneys would like to thank the Examiner for speaking with them and Applicant on September 8, 2004.

The claims have been amended to more clearly describe the present invention. Specifically, Claims 1 and 84 have been amended to clarify that the system includes means for the substantially automated creation and entry of business listings and advertising. Claims 46 and 64 have been amended to clarify that the one or more Web pages allows merchants and consumers to select from a plurality of topical categories and geographic areas to input or view information, and that the system includes means for the merchant to input the information into the system for viewing by the consumers. Claims 52 and 68 have been amended to depend from active claims, namely, 46 and 64. Claim 80 has also been amended to clarify the local nature of the system. It is respectfully submitted that these changes were made independent of any rejections.

Claims 1, 46 and 64 have also been amended to clarify that: the system and method are designed to increase access to localized business and markets; merchants and consumers may access information in the system based on selected localized geographic area; and the system provides the merchant with direct access to modify, add or remove the information.

Claims 1-8, 10, 12-15, 46-49, 52-64, 67-75, and 82-88¹ have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rosen et al U.S. Patent No. 6,118,449, Hanson et al. U.S. Patent No. 5,974,398 and Ross, Jr. et al. U.S. Patent No. 6,629,135. Rosen discloses a system for modifying a cursor image for advertising purposes. The cursor image corresponds to the content received by the user terminal. Hanson is directed to a system whereby companies direct advertisements to consumers based on their demographic information. Customer image profiles and service usage data are collected and used to allow businesses to “bid” on the amount of money that they will pay to have the consumer view the businesses’ advertisements. The system reviews and organizes the bids submitted by the companies and only provides the top “bidders” to the consumer to allow the consumer to choose which bids to view. Ross, Jr. is directed to a system whereby hosts of websites select merchants to include links to on their websites, wherein when the links are selected, the resulting page retains the same “look and feel” of the host’s website. In operation, an outsource provider or administrator acts as go-between for the hosts and merchants. Merchants may submit information regarding themselves and their products to the outsource provider, who in turn provides information on the products to the hosts. The hosts thereafter may review the products and select which products they would like to offer on their website through one or more links to web pages operated by the outsource provider that show the merchant’s products, but offer the same “look and feel” of the host’s website.

¹ It is Applicant’s understanding that the allowed claims are Claims 9 and 80 and all claims dependent therefrom. Accordingly, Applicant submits that the listed claims are the current claims that have been rejected.

In discussing the subject matter of the invention, the claims and prior art with the Examiner on September 8, 2004, it was agreed that Applicant would amend the claims to bring out the locality-based aspects that are inherent in the structure of the system, as well as to clarify the substantially automated nature with respect to the merchant's usage of the system. Applicant respectfully submits that the amended claims have been amended to clarify and/or bring out these points. Accordingly, Applicant respectfully requests that the present rejection be withdrawn and the claims be allowed to issue.

In further support of the patentability of the claims, Applicant respectfully submits that none of the cited prior art, alone or in combination, teach the claimed limitations of the claims. As previously set forth, the prior art does not teach or disclose, among other things, that a merchant may input or enter information into the system for viewing by consumers using a substantially automated process. It is also respectfully submitted that Ross, Jr., which, among other things, discloses a system which utilizes an outsource provider as an intermediate party, does not show substantially automated merchant selection as claimed. Furthermore, even if Ross, Jr. were to teach using a substantially automated process, as set forth in the Declaration of Bob Deeds, one of ordinary skill in the art at the time of the present invention would not be motivated to introduce substantial automation creation and entry of information by merchants into an online information system as claimed. As a result, Applicant submits that there is no teaching or motivation to combine Ross, Jr. with the other prior art references including Rosen and Hanson.

Applicant submits that in view of the above-identified amendment and the arguments above and as previously set forth by Applicant regarding the prior art and the

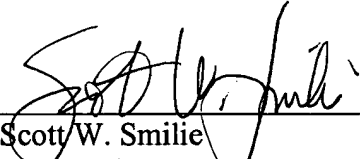
declaration of Robert G. Deeds Jr., the claims in their present form are patentably distinct over the cited prior art. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the present refusal of the claims of the pending application, and allow the application to proceed to allowance and issuance.

Should the Examiner discover that there are remaining issues, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

September 16, 2004
PATZIK, FRANK & SAMOTNY LTD.
150 South Wacker Drive
Suite 900
Chicago, Illinois 60606
Telephone No.: 312-551-8300
Facsimile No.: 312-551-1101

Respectfully submitted,

By:



Scott W. Smilie
Registration No. 44,341